

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:14-cv-00306-MR-DLH**

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| DAVID TAYLOR, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | <u>ORDER OF REMAND</u> |
| |) | |
| CAROLYN W. COLVIN, Acting |) | |
| Commissioner of Social Security |) | |
| Administration, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

THIS MATTER is before the Court on the Defendant's Unopposed Motion for Entry of Judgment under Sentence Four of 42 U.S.C. § 405(g) with Reversal and Remand of the Cause to the Defendant [Doc. 8].

Sentence four of 42 U.S.C. § 405(g) provides, in pertinent part, that "[t]he court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing." The Defendant here has moved for reversal of her decision and for remand of this case for further administrative proceedings. For the

reasons stated in the Defendant's motion, the Court finds that remand is appropriate. See Melkonyan v. Sullivan, 501 U.S. 89 (1991).

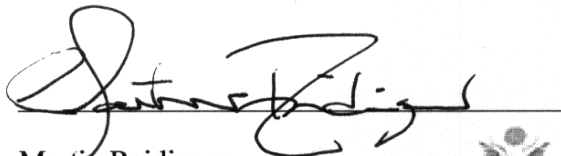
On remand, the Appeals Council will direct the Administrative Law Judge to further evaluate all of the opinion evidence providing weight and appropriate rationale for the findings reached (20 CFR § 404.1527; Social Security Rulings 96-2p, 96-5p, and 96-6p). The Appeals Council will also direct that the Administrative Law Judge further evaluate the claimant's maximum residual functional capacity during the entire period at issue based on the findings made, providing rationale with specific references to evidence of record in support of the assessed limitations (Social Security Ruling 96-8p). On remand, the Appeals Council will note that the earning records show the claimant has a date last insured of June 30, 2012. The Appeals Council will also note that the record reflects that the claimant made several complaints regarding overhead reaching and arm extension during the period at issue. In doing so, the Administrative Law Judge will be instructed to take any steps necessary to fully develop the administrative record and to obtain additional medical expert testimony, if necessary. The claimant will be given an opportunity for a new hearing and to submit additional evidence.

IT IS, THEREFORE, ORDERED that the Defendant's Unopposed Motion for Remand [Doc. 8] is **GRANTED**.

IT IS FURTHER ORDERED that the decision of the Commissioner of Social Security is hereby **REVERSED** and this case is hereby **REMANDED** for further administrative proceedings, consistent with this Order.

The Clerk of Court shall enter a separate Judgment of Remand simultaneously herewith, thereby closing the case.

IT IS SO ORDERED.


Martin Reidinger
United States District Judge

